

15956 U.S. PTO
09/15/03

PATENT
Attorney Docket No.: OPHD-08258

22386 U.S. PTO
09/15/03
10/662918

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

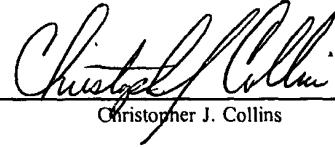
Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

NEW APPLICATION TRANSMITTAL

Transmitted herewith for filing is the patent application of Sean B. Carroll, Margaret B. van Boldrik and Christopher M. Clemens for Clostridial Toxin Disease Therapy.

CERTIFICATION UNDER 37 C.F.R. § 1.10

I hereby certify that this New Application Transmittal and the documents referred to as enclosed therein are being deposited with the U.S. Postal Service on this date **September 15, 2003** in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number **EV329482611US** addressed to: **Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**


Christopher J. Collins

1. Type Of Application

This new application is for a(n)

Original (nonprovisional)
 Continuation.

2. Benefit Of Prior U.S. Application(s) (35 U.S.C. §§ 119(e), 120, or 121)

The new application being transmitted claims the benefit of prior U.S. application(s) and enclosed are **ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION(S) CLAIMED.**

3. Papers Enclosed That Are Required For Filing Date Under 37 C.F.R. § 1.53(b) (Regular) or 37 C.F.R. § 1.153 (Design) Application

41 Pages of Specification
1 Pages of Claims
1 Page of Abstract
2 Sheets of Formal Drawings

4. Declaration

Enclosed - from a parent case (Serial number 07/985,321, filed 12/04/92).
 Executed by inventors.

5. Inventorship Statement

The inventorship for all the claims in this application is:

the same

6. Language

English

7. Assignment

An assignment, executed by the inventors, of the invention to OPHIDIAN PHARMACEUTICALS, INC is attached from a parent case (Serial number 07/985,321, filed 12/04/92). Also, attached is the assignment from OPHIDIAN PHARMACEUTICALS, INC to PROMEGA Corporation and related documents recorded 1/19/01. Form PTO-1595 is also enclosed.

8. Fee Calculation (37 C.F.R. § 1.16)

Regular application

CLAIMS AS FILED

Number Filed	Number Extra	Rate	Basic Fee - \$750.00 (37 C.F.R. § 1.16(a))
Total Claims (37 C.F.R. § 1.16(c))	4 - 20 =	0 × \$18.00 =	\$0.00
Independent Claims (37 C.F.R. § 1.16(b))	1 - 3 =	0 × \$84.00 =	\$0.00
Multiple Dependent Claim(s), if any (37 C.F.R. § 1.16(d))		+ \$280.00 =	\$0.00

Filing Fee Calculation \$750.00

9. **Fee Payment Being Made At This Time**

<input checked="" type="checkbox"/>	Enclosed		
<input checked="" type="checkbox"/>	basic filing fee		\$750.00
<input checked="" type="checkbox"/>	recordation fee		\$40.00
		Total Fees Enclosed	\$790.00

10. **Method of Payment of Fees**

Check in the amount of **\$790.00**

11. **Authorization To Charge Additional Fees and Credit Overpayment**

The Commissioner is hereby authorized to charge payment of any fees associated with this communication or credit any overpayment to Deposit Account No.: **08-1290**. An originally executed duplicate of this transmittal is enclosed for this purpose.

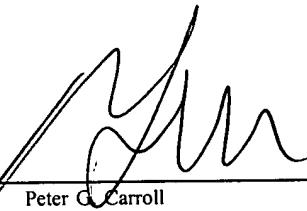
12. **Power of Attorney by Assignee**

Enclosed

13. **Return Receipt Postcard**

Enclosed

Dated: September 15, 2003


Peter G. Carroll
Registration No.: 32,837

MEDLEN & CARROLL, LLP
101 Howard Street, Suite 350
San Francisco, California 94105
617/984-0616

Incorporation By Reference Of Added Pages

Plus Added Pages For New Application Transmittal Where Benefit Of Prior U.S. Application(s)

Claimed

Number of pages added 1

**ADDED PAGES FOR APPLICATION TRANSMITTAL
WHERE BENEFIT OF PRIOR U.S. APPLICATION(S) CLAIMED**

14. Relate Back

- A. **35 U.S.C. § 119(e)**
- B. **35 U.S.C. §§ 120, 121 and 365(c)**

Amend the Specification by inserting before the first line the sentence: "This is a Continuation of copending application(s) 08/810,908 filed on 3/05/97, which is a File Wrapper Continuation of Application 08/456,997, filed on 6/01/95, which is a Divisional of Application 07/985,321, filed 12/04/92, which is a Continuation-in-Part of Application 07/429,791, filed 10/31/89, which issued as Patent No. 5,196,193 on 3/23/93."

15. Further Inventorship Statement Where Benefit Of Prior Application(s) Claimed

- a. This application discloses and claims only subject matter disclosed in the prior application whose particulars are set out above and the inventor(s) in this application are
 - the same.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Sean B. Carroll *et al.*

Serial No.:

Filed: 9-15-03

Entitled: Clostridial Toxin Disease Therapy

Group No.:

Examiner:

TRANSMITTAL OF FORMAL DRAWINGS

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.10

I hereby certify that this correspondence (along with any referred to as being attached or enclosed) is, on the date shown below, being deposited with the U.S. Postal Service in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number EV329482611US, addressed to: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: September 15, 2003

By:

Christopher J. Collins

Sir or Madam:

Attached please find the following Formal Drawings, to be used with filing the instant application:

2 sheets of formal drawing(s) for this application.

Each sheet of drawing indicates the identifying indicia suggested in 37 CFR

§ 1.84(c) on the front side of the drawing.

The Commissioner is hereby authorized to charge any additional fee or credit overpayment to our Deposit Account No. 08-1290. An originally executed duplicate of this transmittal is enclosed for this purpose.

Dated: September 15, 2003
Peter G. Carroll
Registration No. 32,837

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